

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MICHAEL FIORITO,  
Plaintiff,

v.

DR. ANDERSON, et al.,  
Defendants.

Case No. 5:18-cv-00506-JFW-KES

ORDER ACCEPTING REPORT AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings and all the records and files herein, including the initial Report and Recommendation (“R&R”) of the United States Magistrate Judge, Plaintiff’s objections to that initial R&R, and the Magistrate Judge’s Amended R&R addressing Plaintiff’s objections. The Court has engaged in a de novo review of those portions of the R&R to which objections have been made. The Court accepts the findings, conclusions, and recommendations of the United States Magistrate Judge. IT IS THEREFORE ORDERED that:

(1) the claims against Ian Connor and the Doe Defendants located in Washington DC are dismissed without leave to amend;

(2) the damages claims against the individual Defendants in their official capacities are dismissed without leave to amend;

(3) Plaintiff’s Bivens claims against Defendants Dr. Anderson, HSA Weaver, and the Doe Defendants at FCI Gilmer, as well as the FTCA claims

1 against the United States based on these Defendants' behavior, are severed and  
2 transferred to the Northern District of West Virginia; and

3 (4) Plaintiff's Bivens claims against Defendants Dr. Thomas Love, Dr.  
4 Gomez, Unit Manager Edwards, Ms. Brown and Mr. Stewart, as well as the FTCA  
5 claims against the United States based on these Defendants' behavior, are severed  
6 and transferred to the Eastern District of Kentucky.

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9 DATED: September 25, 2018

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12 JOHN F. WALTER  
13 UNITED STATES DISTRICT JUDGE  
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